

Before the Board of Supervisors County of Placer, State of California

In the matter of:

Ordinance No.: 6002-B

An Ordinance Amending Chapter 15, Articles 15.28, 15.34, and 15.90, and Chapter 16, Article 16.08 Related to Annual Adjustment of Impact Fees

Introduced: January 14, 2020

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on January 28, 2020 by the following vote:

Ayes: WEYGANDT, HOLMES, GUSTAFSON, GORE

Noes: NONE

Absent: ULHER

Signed and approved by me after its passage.


Chair, Board of Supervisors

Attest:


Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Placer County Code Chapter 15, Article 15.28, Section 15.28.080 is amended as follows:

15.28.030 Funding and collection process.

F. Fee Review and Adjustments.

1. The fees assessed pursuant to this article and the cost estimates within the capital improvement program shall be adjusted annually in accordance with subsection (F)(2) of this section.

2. ~~No later than April 15th of each year, the~~ The director shall determine a proposed annual adjustment for the prior April to April period. The director shall use using the Construction Cost Index published in the Engineering News Record as the basis of the director's determination. **The adjustment in each fee will be calculated based on the difference between the most currently available index and the index amount for the same month of the previous year.** The director shall review the estimated cost of projects included in the capital improvement program, the continued need for such improvements, and the reasonable relationship between such need and the impacts of the various types of new developments, both pending and anticipated. The director shall notify the board at a public meeting of the proposed fee adjustment. No fee adjustment shall be effective until approved by the board. Any fee adjustment approved by the board shall be effective on July 1st of the year in which the action is taken, or at such other time as is provided by law.

3. Fees are established as described in the Public Works Countywide Traffic Fee Program Schedule. Future adjustments to the fee schedule may be made by board resolution.

4. The director shall maintain the current fee schedule. The director shall make the current fee schedule available for public review upon request

SECTION 2. Placer County Code Chapter 15, Article 15.34, Section 15.34.080 is amended as follows:

15.34.080 Public hearing—Fee resolution—Fee adjustments and waivers.

A. The adoption of parks and recreational facility fees is a legislative act and the specific fee amount authorized pursuant to this article shall be adopted by resolution after a noticed public hearing before the board of supervisors. The fees adopted shall be based upon and reflect the need for parks and recreational facilities as identified in the county parks and recreational facilities needed to serve growth study (Hausrath Economics Group, January 2003), relevant community and specific plans, as well as the county general plan.

B. The fees assessed pursuant to this article shall be automatically adjusted annually on or about July 1st in accordance with the change, if any, in the CPI (State of California Department of Industrial Relations Consumer Price Index — California For All Urban Consumers) ~~each July 1st, by the percentage increase of the CPI for the preceding year.~~ **The adjustment in each fee will be calculated based on the difference between the most currently available index and the index amount for the same month of the previous year.**

C. The project proponent and/or applicant for any project subject to the fee described in this article may apply to the county executive officer or designee for relief from imposition of the fee, reduction of the fee, or waiver of the fee, based upon the alleged absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the fee charged or the type of facilities to be financed, or other alleged legal basis for exemption. In the case of fees applied within the unincorporated area of the county, such application shall be made in writing and filed with the county executive officer or designee not later than:

1. Ten (10) days prior to the public hearing on the development permit application for the project; or

2. If no development permit is required such application shall be filed at the time of the filing of the application for a building permit. For those projects within the cities, the application for relief from this article must be filed within ten (10) days of written notice of the proposed fee regarding that project or within ten (10) days of application for the building permit, whichever occurs first. The application shall state in detail the actual basis for the claim of waiver,

reduction, or adjustment. The county executive officer or designee shall have fifteen (15) days to consider and act upon the request, and shall issue his or her administration determination in writing. Failure to take action for more than twenty (20) days shall mean the request is denied. If the project proponent desires to appeal that administrative determination of the county executive officer or designee, the project proponent must apply in writing within ten (10) days of written notification of the denial of the appeal for a fee adjustment, paying the appropriate appeals fee, to the board of supervisors, which shall consider the application at a public hearing commenced within forty-five (45) days after the filing of the fee adjustment appeal. The county executive officer or designee shall prepare a staff report and recommendation for board consideration. The decision of the board of supervisors shall be final. If a reduction, adjustment, or waiver is granted by the board, any subsequent material change in use regarding the project shall subject such waiver, adjustment or reduction of the fee to reevaluation by the county.

D. Reimbursement agreements shall be considered for new development projects which are required to fund or construct parks and recreational facilities included in the general plan which provide capacity significantly in excess of project needs. Such agreements shall include a provision for Placer County to be reimbursed for preparation and administration costs.

E. Credit against this fee obligation for the construction of any private recreational improvements by the project proponent, shall be considered, and if determined appropriate by the county executive officer or designee, shall be granted against the fees owed by that project proponent. Such credit, if any, shall be calculated by the county facility services director. The county facilities services director shall determine the basis for calculating the amount of credit for other improvements (such as buildings, etc.), if any. For all improvements such credit shall be limited to a maximum of fifty (50) percent of the amount of fee that would otherwise be imposed pursuant to this article, except as provided under the provisions for reimbursement set forth above.

SECTION 3. Placer County Code Chapter 15, Article 15.90, Section 15.90.030 is amended as follows:

Section 15.90.030 RVSP fee adoption, fee components, adjustment and payment.

C. Initial Amount of the RVSP Fee, Annual Adjustment, Updates.

1. Initial Amount. The initial amount of the RVSP fee shall be set by resolution adopted by the board following a public hearing and consistent with the Mitigation Fee Act, the RVSP D.A. and the Nexus Study.

2. Adjustment. The amount of the RVSP fee shall be adjusted annually on or about July 1st using the average of the change in the San Francisco Construction Cost Index (CCI) and the change in the 20-City CCI, as reported in the Engineering News Record, ~~for the twelve (12) month period ending in May.~~ **The adjustment in each fee will be calculated based on the difference between the most currently available index and the index amount for the same month of the previous year.**

3. Updates. The RVSP Fee Program will be subject to periodic updates if the county determines it necessary to reflect changes in developable land, actual costs for construction of improvements or changes in facilities costs difference from the CCI inflation factor.

4. Five-Year Review. The fifth fiscal year following the first deposit into the fee account or fund and every five years thereafter, the county must review the RVSP fee fund and make findings pursuant to the Mitigation Fee Act.

SECTION 4. Placer County Code Chapter 16, Article 16.08, Section 16.08.100 is amended as follows:

Section 16.08.100 Parks and recreation facilities.

B. Amount. The amount of land to be dedicated, or the amount of fees in lieu thereof, or combination of land and fees, shall be determined by the standards set forth in this chapter.

1. a. The land areas required for dedication may be up to an amount equivalent to that land necessary to provide five acres of park land per one thousand (1000) residents in the proposed subdivision. In calculating the amount of land necessary, the average number of persons per dwelling unit, based on the most recent federal census, shall be used.

b. The subdivider shall without credit: (1) provide full street improvements and utility connections including, but not limited to, curbs, gutters, street paving, traffic control devices, street trees, and sidewalks to dedicated land which is dedicated pursuant to this section, (2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land, (3) provide improved drainage through the site that, where applicable, incorporates the appropriate principles and strategies in the West Placer and East Placer Storm Water Quality Design Manuals, and (4) provide other minimal improvements which the planning commission/parks commission determines to be essential to the acceptance of the land for recreational purposes.

2. The fee required shall be five hundred thirty-three dollars (\$533.00) per resulting parcel on land zoned to permit single-family residences, three hundred eighty-nine dollars (\$389.00) per dwelling unit, on lands zoned for multifamily residential use, and three hundred fifty-one dollars (\$351.00) per dwelling unit, on lands zoned for age-restricted senior use.

3. Annual Adjustment. All fees hereunder shall be adjusted each July 1st in accordance with the United States Bureau of Labor Statistics Consumer Price Index, for Urban Wage Earners and Clerical Workers, San Francisco-Oakland, all items, said adjustment to be made by adjusting the amounts according to the following formula:

4. ~~Multiply the fee by the quotient obtained by dividing the consumer price index figure as of the preceding April 1st in the initial year of this chapter.~~ **The adjustment in each fee will be calculated based on the difference between the most currently available index and the index amount for the same month of the previous year.** The resulting figure to be rounded downward to the nearest five dollars (\$5.00).

5. Upon concurrence of the subdivider and the county, the subdivider may construct public recreational facilities in lieu of fees required. The credit given to the subdivider for design and construction of the public recreational facilities shall be equivalent to an engineer estimate for the cost of such improvements approved by the county. Phasing of park improvements to coordinate with the phasing of residential improvements by the subdivider shall be appropriately considered by agreement between the county department of facility services and the subdivider.

SECTION 5. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.